

DEC. 28. 2007 12:59PM

KN - LEGAL

NO. 205 P. 1

**Kensey Nash**

2452

December 28, 2007

Director of the United States Patent  
And Trademark Office  
Attn: Deposit Accounts  
2051 Jamieson Avenue, Suite 300  
Alexandria, Virginia 22314

Fax No.: 571-273-6500

RE: USSN 10/619,721; Our Docket No. KN P 0065

Dear Sir/Madam:

This is a request for refund in the amount of \$255.00 that was charged to Deposit Account Number 50-1671 on October 29, 2007 for payment of a Petition to Revive Unavoidably Abandoned Application for the above-identified application (Fee Code 2452). The Decision on Petition has been received and the Notice of Abandonment has been vacated and holding of abandonment has been withdrawn. A copy of the Petition is enclosed.

In view of the decision set forth, please refund our Deposit Account for the \$255.00 charged.

Please do not hesitate to contact me if you need anything further. Thank you.

Adjustment date: 01/16/2008 CKHLOK  
10/29/2007 HVUONG1 00000015 501671 10619721  
01 FC:2452 255.00 CR

Very truly yours,



Lynn Morozin  
Paralegal

Enclosure

1-484-713-2100

DEC. 23. 2007 12:59PM

KN - LEGAL

NO. 205 P. 2



UNITED STATES PATENT AND TRADEMARK OFFICE

REC'D DEC 26 2007

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KENSEY NASH CORPORATION  
735 PENNSYLVANIA DRIVE  
EXTON PA 19341

COPY MAILED

DEC 20 2007

In re Application of	:	OFFICE OF PETITIONS
Ringeisen	:	
Application No. 10/619,721	:	DECISION ON PETITION
Filed: July 15, 2003	:	
Docket No.: KN P 0065	:	

This is a decision on the petition under 37 CFR 1.137(a), filed October 26, 2007, to revive the above-identified application. This matter is, *sua sponte*, treated under 37 CFR 1.181 as a petition withdraw the holding of abandonment.

The application was held abandoned for failure to timely submit a properly reply to the non-final Office action mailed April 18, 2007. The non-final Office action set a one month statutory period of time for reply. This decision precedes Notice of Abandonment.

Petitioner asserts non-receipt of the non-final Office action.

DECISION UNDER 37 CFR 1.181

In the absence of any irregularity in the mailing of an Office communication, there is a strong presumption that the Office communication was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office communication was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See, MPEP 711.03(c). The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

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NO. 205 P. 3

Application No. 10/619,721

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The arguments and supporting documentation presented have been carefully considered. Moreover, petitioner has included a copy of a docket report covering the time period that a response would have been due had it been received. In view thereof, the evidence presented support the conclusion that the non-final Office action was not received.

In view thereof the Notice of Abandonment is hereby VACATED and the holding of abandonment is WITHDRAWN.

The application file is being forwarded to Technology Center 3700 further processing of the response to the non-final Office action submitted herewith.

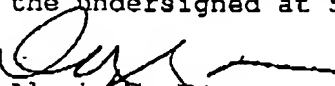
DECISION UNDER 37 CFR 1.137(a)

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(1); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

In view of the above findings of fact, the petition under 37 CFR 1.137(a) is DISMISSED AS MOOT.

Petitioner may request a refund of the \$255.00 petition fee submitted herewith in view of the decisions set forth herein. Petitioner may request a refund of the petition fee by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

Telephone inquiries concerning this matter may be directed to the undersigned at 571-272-3205.

  
Alesia M. Brown  
Petitions Attorney  
Office of Petitions

UNITED STATES PATENT & TRADEMARK OFFICE  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>1-15-08</u>		2 Serial/Patent # <u>10/6/9721</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
<input type="checkbox"/>	Filing			\$
<input type="checkbox"/>	Amendment			\$
<input type="checkbox"/>	Extension of Time			\$
<input type="checkbox"/>	Notice of Appeal/Appeal			\$
<input type="checkbox"/>	Petition		10-26-07	\$ 255
<input type="checkbox"/>	Issue			\$
<input type="checkbox"/>	Cert of Correction/Terminal Disc.			\$
<input type="checkbox"/>	Maintenance			\$
<input type="checkbox"/>	Assignment			\$
<input type="checkbox"/>	Other			\$
		7 TOTAL AMOUNT OF REFUND		\$ 255
		8 TO BE REFUNDED BY:		
10 REASON:		<input checked="" type="checkbox"/> Treasury Check		
<input type="checkbox"/>	Overpayment	<input type="checkbox"/> Credit Deposit A/C #:		
<input type="checkbox"/>	Duplicate Payment	9 <input type="text"/> <input type="text"/> -- <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		
<input type="checkbox"/>	No Fee Due (Explanation):			
<u>pet. dismissed as moot.</u>				
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: Karen Creasy		TITLE: Petitions Examiner		
SIGNATURE: <u>K. Creasy</u>		PHONE: 2-3208		
OFFICE: Petitions				
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****				
APPROVED: <u>[Signature]</u>		DATE: <u>1/16/08</u>		

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: